

1 ADRIAN M. PRUETZ - State Bar No. 118215
apruetz@glaserweil.com
2 ANDREW Y. CHOUNG - State Bar No. 203192
achoung@glaserweil.com
3 ERICA J. VAN LOON - State Bar No. 227712
evanloon@glaserweil.com
4 CHARLES C. KOOLE - State Bar No. 259997
ckoole@glaserweil.com
5 GLASER WEIL FINK JACOBS
6 HOWARD AVCHEN & SHAPIRO LLP
7 10250 Constellation Boulevard, 19th Floor
8 Los Angeles, California 90067
9 Telephone: (310) 553-3000
10 Facsimile: (310) 556-2920

11 *Attorneys for Plaintiff*
12 Locata LBS LLC

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION
16

17
18 LOCATA LBS LLC, a California limited
19 liability company,

20 Plaintiff,

21 v.

22 PAYPAL, INC., a Delaware corporation,
23 and EBAY INC., a Delaware corporation,

24 Defendants.
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CASE NO.: 2:13-cv-7895

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 Plaintiff Locata LBS LLC (“Locata LBS”) hereby alleges patent infringement
2 against Defendants PayPal, Inc. (“PayPal”) and eBay Inc. (“eBay”) on personal
3 knowledge and information and belief, as follows:

4 **THE PARTIES**

5 1. Locata LBS is a California limited liability company with a principal
6 location at 5716 Corsa Avenue, Suite 110, Westlake Village, CA 91362.

7 2. On information and belief, Defendant eBay is a Delaware corporation
8 with a principle place of business at 2065 Hamilton Avenue, San Jose, CA 95125.

9 3. On information and belief, Defendant PayPal is a Delaware corporation
10 with a principal place of business at 2211 North First Street, San Jose, CA, 95131.,
11 and is a wholly owned subsidiary of Defendant eBay.

12 **JURISDICTION AND VENUE**

13 4. This action arises under the patent laws of the United States, Title 35 of
14 the United States Code. This Court has subject matter jurisdiction pursuant to 28
15 U.S.C. §§ 1331 and 1338(a).

16 5. Personal jurisdiction and venue are proper in this district under 28 U.S.C.
17 §§ 1391 and 1400(b). On information and belief, Defendants have a regular and
18 established place of business in this district, has transacted business in this district,
19 and/or has committed, contributed to, and/or induced acts of patent infringement in
20 this district.

21 6. On information and belief, Defendants are subject to this Court’s specific
22 and general personal jurisdiction consistent with the principles of due process and/or
23 the California Long Arm Statute, due at least to its substantial business in this forum
24 directly related to the allegations set forth herein, including: (i) a portion of the
25 infringement alleged herein, including making, using, selling, offering to sell, and/or
26 importing products, methods and/or systems that infringe the patent-in-suit; (ii) the
27 presence of established distribution and/or marketing channels; and (iii) regularly
28 doing or soliciting business, engaging in other persistent courses of conduct, and/or

1 deriving substantial revenue from goods and services provided to individuals and
2 entities in California and this judicial district.

3 **COUNT I**

4 **INFRINGEMENT OF UNITED STATES PATENT NO. 6,259,381**

5 7. United States Patent No. 6,259,381, entitled “Method of Triggering An
6 Event” (“‘381 Patent”), was duly issued by the United States Patent and Trademark
7 Office on July 10, 2001 to Locata Corporation Pty. Ltd. (“Locata PTY”), an
8 Australian company specializing in location based technologies since 1997. Locata
9 LBS is the exclusive owner by assignment of all rights in and to the ‘381 Patent,
10 including but not limited to the right to sue for past and present damages. A true and
11 correct copy of the ‘381 Patent is attached to this Complaint as Exhibit A.

12 8. On information and belief, Defendant PayPal has been and is directly
13 infringing, inducing others to infringe, and/or contributorily infringing, literally,
14 under the doctrine of equivalents, and/or jointly, one or more claims of the ‘381
15 Patent in the State of California, in this judicial district, and elsewhere in the United
16 States by, among other things, making, using, selling, offering to sell, and/or
17 importing systems and methods that implement, utilize or otherwise embody the
18 patented invention, including by way of example location-based services, such as
19 PayPal Media Network, which are described or have been described at least in part
20 online at <https://advertising.paypal.com/>. Therefore, Defendant PayPal is liable for
21 infringement of the ‘381 Patent.

22 9. On information and belief, Defendant eBay has been and is directly
23 infringing, inducing others to infringe, and/or contributorily infringing, literally,
24 under the doctrine of equivalents, and/or jointly, one or more claims of the ‘381
25 Patent in the State of California, in this judicial district, and elsewhere in the United
26 States by, among other things, making, using, selling, offering to sell, and/or
27 importing systems and methods that implement, utilize or otherwise embody the
28 patented invention, including by way of example location-based services, such as

1 PayPal Media Network, which are described or have been described at least in part
2 online at <https://advertising.paypal.com/>. Therefore, Defendant eBay is liable for
3 infringement of the ‘381 Patent.

4 10. Defendant PayPal has been and is inducing and/or contributing to the
5 direct infringement of the ‘381 Patent by at least, but not limited to, customers and
6 end-users of its products, including but not limited to PayPal Media Network, who
7 directly implement or use the accused systems, products and services, which have no
8 substantial non-infringing uses, by at least the following affirmative acts: (1)
9 advertising in public and marketing the features, benefits and availability of the
10 accused systems, products, and services; (2) promoting the adoption and installation
11 of the accused systems, products and services; and (3) providing instructions on how
12 to use the accused systems, products and services.

13 11. Defendant eBay has been and is inducing and/or contributing to the
14 direct infringement of the ‘381 Patent by at least, but not limited to, customers and
15 end-users of its products, including but not limited to PayPal Media Network, who
16 directly implement or use the accused systems, products and services, which have no
17 substantial non-infringing uses, by at least the following affirmative acts: (1)
18 advertising in public and marketing the features, benefits and availability of the
19 accused systems, products, and services; (2) promoting the adoption and installation
20 of the accused systems, products and services; and (3) providing instructions on how
21 to use the accused systems, products and services.

22 12. Defendants PayPal and eBay have knowledge of the ‘381 Patent and
23 have had the specific knowledge that their location-based services described above
24 infringe the ‘381 Patent, since at least the filing of this complaint.

25 13. Locata LBS has been and is irreparably harmed by Defendants PayPal
26 and eBay’s infringement of the ‘381 Patent. Locata LBS has incurred and will
27 continue to incur substantial damages, including monetary damages, unless
28 Defendants are enjoined from further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Locata LBS respectfully requests that this Court:

- (a) enter judgment in favor of Locata LBS that Defendants have infringed, and continues to infringe, a valid and enforceable '381 Patent;
- (b) enjoin Defendants, their officers, subsidiaries, agents, servants, employees, and all persons in active concert with any of them, from any further infringement of the '381 Patent;
- (c) award Locata LBS all monetary relief available under the patent laws of the United States, including but not limited to actual damages, pre- and post-judgment interest, enhanced damages, and costs pursuant to 35 U.S.C. § 284;
- (d) declare this case exceptional and award Locata LBS its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- (e) grant Locata LBS such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Locata LBS demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Date: October 25, 2013

Respectfully submitted,

/s/ Adrian M. Pruetz

Adrian M. Pruetz

Andrew Y. Choung

Erica Van Loon

Charles C. Koole

GLASER WEIL FINK JACOBS

HOWARD AVCHEN & SHAPIRO LLP

Attorneys for Plaintiff

Locata LBS LLC